IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Martin et al.   **Docket No.**: EXPO0001

Application No.:   09/412,042   **Group Art Unit.**: 3628

Date Filed: 10/04/1999   **Examiner**:   Kanof, P

Title: Trade Finance Automation System

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DEC 2 7 2002

Assistant Commissioner for Patents
Washington, DC 20231

GROUP 3600

Declaration of Inventor Robert S. Martin pursuant to 37 C.F.R. § 1.131

Sir:

1. My name is Robert S. Martin and I am an inventor listed in the above-identified patent application.

2. I have compared the claims of the above patent application with those of U.S. Patent No. 5,873,066 and I am of the opinion that the claims in my application are not directed to the same invention as that set forth in U.S. Patent No. 5,873,066.

3. The above patent application stands rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,873,066. U.S. Patent No. 5,873,066 issued on 16 February 1999. The above identified patent application was filed on 04 October 1999, less than one year after the issued date of U.S. Patent No. 5,873,066.

4. The filing date of U.S. Patent No. 5,873,066 is 10 February 1997. I declare that the above identified invention was conceived prior to the filing date of the U.S. Patent No. 5,873,066 and that I have diligently worked to reduce the invention claimed in the above identified patent application to practice from such conception date and

1

that such reduction of practice has occurred as a result of my submission of the subject patent application.

5. In support of this declaration, I provide the following documents:

Exhibit A   12/7/94   Fax with diagram from Robert Hart (Cofounder of TFS) to John Olsen.

Exhibit B   2/7/95   Fax from Robert Hart to John Olsen.

Exhibit C   2/8/95   Fax from Robert Hart to John Olsen with an enclosed schematic operational diagram.

Exhibit D   5/17/95   Slide Presentation to California Public Employees Retirement System. See four clipped slides relating to operational and administrative systems.

Exhibit E   6/5/95   Letter from John Olsen to James Pope of Philadelphia International Investment Corp. (See page 2, second paragraph re: operational systems.)

Exhibit F   9/15/95   Letter from John Olsen to Joe Chulik of Lombard Investments enclosing Operational Flow Diagram which details various operational processes and 37 key reports.

Exhibit G   10/3/95   Faxed Memo from Christopher (Kip) Acheson of First Interstate Bank of Oregon detailing the Agenda for a meeting with TFS on 10/10/95 and a related Slide Presentation prepared by TFS for this meeting. (Please note the detailed slides on Operational Systems Review.)

Exhibit H   11/95   Copy of Investment Memorandum. See page 22, item 5. Development of Computerized Operational Systems; page 37, item 2. Operations; Section H. Operations, Credit and Funding; page 51, Operational

2

Risks – Perfecting Systems and Documentation; page 53, Computerized Operational Systems; and page 55, design and develop operational systems with assistance from consulting company.

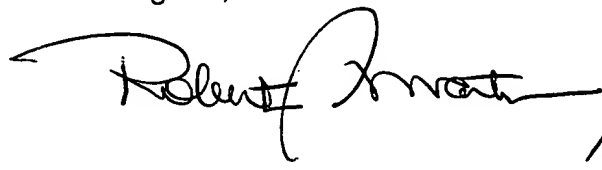|		
Exhibit I	11/30/95	Letter from John Olsen to Don Frankenfield of Philadelphia International Investment Company enclosing the November 1995 Investment Memorandum on TFS. See last paragraph page 1 and first paragraph page 2 re: operational systems development.
Exhibit J	1/11/96	Fax from Robert Martin (Cofounder of TFS) to Don Frankenfield of Philadelphia International Investment Corp. summarizing the Development Status of the TFS System.
Exhibit K	3/21/96	Fax to David Darling of Bank Austria, New York from Robert Hart. See page 3, Operations and Funding. This section refers to our Computerized Export Finance System and the slides itemized in this section are attached.
Exhibit L	4/25/96	Letter to Mark Sarago of Fritz Companies, Inc. from John Olsen that refers to Operational Flow Diagram dated Septemer 8,1995.
Exhibit M	5/8/96	Memorandum from John Olsen/Bob Martin to John Himoff of Fritz Companies, Inc. See paragraph II. Re: Systems Development.
Exhibit N	Early/mid 1996	Slide Presentation entitled High Level Systems Definition prepared as part of discussions with Fritz.
Exhibit O	7/10/96	Letter of Intent signed by TFS and Fritz Companies, Inc. See page 2, paragraph 2 re: Systems Development.
Exhibit P	11/17/96	Letter from James Wirth of Base Consulting Company

to Robert Martin summarizing Base's understanding of their engagement.

Exhibit Q	12/21/96	Base Consulting Contract. Please note Exhibit A, which describes the services to be provided by Base Consulting.
Exhibit R	6/30/97	BASE Consulting Group, LLC's Application Functionality Overview.
Exhibit S	2/2/98	InfoRespond Custom Software Development Contract.
Exhibit T	5/19/98	Kate Samsa Instructional and Technical Writing Contract for development of System User Manual and Preliminary Outline for Updating TFS System User Manual.
Exhibit U	5/18/99	Proprietary Information Agreement with Robert Trickovic, Consultant, who was hired to perform a technology review of the proposed Internet version of the TFS System. Exhibit A thereto describes the TFS System.
Exhibit V	5/27/99	TFS Information Technology Plan Review prepared by Robert S. Trickovic.
Exhibit W	9/15/99-9/15/00	Independent contractor Agreement with InfoRespond, Inc. for development of specifications for Version 3.0 of the TFS System.
Exhibit X	11/22/99	BASE Consulting Group proposal letter dated November 22, 1999 relating to Version 3.0 of the TFS System.
Exhibit Y	12/1/99	Independent Contractor Agreement with InfoRespond, Inc. for development of Version 3.0 of the TFS System.

I declare under penalty of perjury that the foregoing is true and correct.

Signed,

12/12/02

Robert S. Martin
Declarant